

Application No. 10/709,960
Docket No. A4-1786
Amendment dated October 3, 2005
Reply to Office Action of May 4, 2005

REMARKS

In the Office Action, the Examiner reviewed claims 1-44 of the above-identified US Patent Application, with the result that claims 1-6, 8, 9, 14-22, 25-28, and 35-42 were rejected under 35 USC §102 in view of U.S. Patent No. 5,305,974 to Willis, claims 29-34 were allowed, and claims 7, 10-13, 23, 24, 43, and 44 were deemed to recite allowable subject matter. However, the allowance of dependent claims 30 and 31 appears to be in error, since claims 30 and 31 depend from rejected claim 25. Therefore, claims 30 and 31 will be treated herein as objected to but deemed to recite allowable subject matter.

As set forth above, Applicant has amended the claims as set forth above. More particularly:

Independent apparatus claim 1 has been amended to incorporate all limitations of its dependent claims 3 and 4, the latter of which depends from claim 3. As a result, claims 3 and 4 have been canceled (without prejudice to Applicant) and claims 5 and 6, which originally depended from claim 4, have been amended to depend directly from claim 1.

Dependent claims 7 and 11, which originally depended directly from independent apparatus claim 1, have each been rewritten in independent form to incorporate the limitations of their parent claim 1. Because both claim 7 and

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11 were deemed to recite allowable subject matter, claims 7 and 11, and claims 12-13 which depend from claim 11, are now believed to be allowable.

Independent method claim 25 has been amended to incorporate all limitations of its dependent claim 37, which is canceled without prejudice to Applicant.

Applicant believes that the amendments strictly comply with 37 CFR §1.116(a) as being limited to reducing and simplifying the issues remaining in the examination of Applicant's application, namely, the cancellation of dependent claims and incorporation of their subject matter into their parent claims, and the rewriting of dependent claims as independent claims by incorporating the subject matter of their parent claims. Consequently, the above amendments do not raise new issues that would require further consideration and/or search by the Examiner, and place the claims in better condition for appeal. MPEP §714.13.

Favorable reconsideration and allowance of remaining claims 1, 2, 5-36, and 38-44 are respectfully requested in view of the above amendments and the following remarks.

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Rejection under 35 USC §102

Independent claims 1, 19, 25, and 39 and their dependent claims 2-6, 8, 9, 14-18, 20-22, 26-28, 35-38, and 40-42 were rejected under 35 USC §102(b) as being anticipated by Willis on the basis that

See figure 1, center coils are used to control direction of 20 from 14 to 16, there are concentric coils that are aligned along the path of the propelled object and is in proximity thereto since they are larger than the object.

Applicant respectfully requests reconsideration of the §102 rejection in view of the amendments presented above as well as the following comments.

As noted in §2131 of the MPEP:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the ...claim. The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e. identity of terminology is not required. (Citations omitted).

Re rejected independent claim 1 and its remaining rejected dependent claims 2, 5, 6, 8, 9, and 14-18:

Applicant's amended independent apparatus claim 1 requires that the

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generating means (10) is configured for passage of the object (14) completely through the generating means (10). As argued in Applicant's previous response, and not rebutted by the Examiner in the present Office Action, Willis' projectile 20 cannot pass completely through the EMPL's 12, 13, and 14 - it must be captured within the EMPL's 12, 13, and 14 in order to transfer momentum to and from the projectile 20.

Therefore, Willis does not anticipate independent claim 1 or any of its remaining dependent claims under the test for anticipation set forth at MPEP §2131, and cannot be said to suggest a "generating means . . . configured for passage of the object completely through the generating means" as required by claim 1 for the purpose of a rejection under 35 USC §103.

Re rejected independent claim 19 and its rejected dependent claims 20-22:

Applicant's amended independent method claim 19 requires that the coils (10) are oriented and spaced along the path (12) so that their magnetic fields cooperate to alter the trajectory and speed of the object (14) as the object (14) moves in proximity to the path (12). As argued in Applicant's previous response, Willis' EMPL's 12, 13, and 14 do not alter the trajectory of the projectile 20, but only establish its initial direction (and speed) - thereafter,

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Willis' projectile 20 itself alters its trajectory with thrusters 32x-z. While the Examiner responded to this argument by explaining that in "figure 1, center coils are used to control direction of 20 from 14 to 16," there is no basis in Willis for this interpretation. At column 7, line 63-column 8, line 13, Willis clearly discloses that the EMPL's 14 and 16 and the EMPL 12 therebetween are limited to propelling the projectile 20, and it is the thrusters 32x-32z of the projectile 20 (with the cooperation of radio signals from the spaceship 10) that are solely capable of altering the trajectory of the projectile 20.

Therefore, Willis does not anticipate independent claim 19 or any of its dependent claims 20-22 under the test for anticipation set forth at MPEP §2131, and cannot be said to even suggest the use of magnetic fields to alter the trajectory of an object as the object moves in proximity to a path as required by claim 19 for the purpose of a rejection under 35 USC §103.

Re rejected independent claim 25 and its rejected dependent claims 26-28 and 35-38:

Applicant's amended independent method claim 25 requires the additional step of capturing and storing energy of a back-emf pulse created as the object (14) enters the magnetic field generated by the generating means (10). As argued in Applicant's previous response, and not rebutted by the

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Examiner in the present Office Action, Willis' apparatus is not disclosed as having the capability to capture and store energy of a back-emf pulse.

Therefore, Willis does not anticipate independent claim 25 or any of its dependent claims 26-28, 30, 31, and 35-38 under the test for anticipation set forth at MPEP §2131, and cannot be said to even suggest the subject matter of claim 25 for the purpose of a rejection under 35 USC §103.

It should be noted that this argument also applies to rejected dependent claims 17 (which depends from independent apparatus claim 1), 22 (which depends from independent apparatus claim 19), and 42 (which depends from independent method claim 39).

Re rejected independent claim 39 and its rejected dependent claims 40-42:

Similar to independent apparatus claim 19, Applicant's amended independent method claim 39 requires that the object (14) passes sufficiently close to each of the coils (10) such that the magnetic fields thereof alter the trajectory of the object (14). Because Willis at column 7, line 63-column 8, line 13, clearly discloses that the EMPL's 12, 14, and 16 are limited to propelling the projectile 20, and in no way are capable of altering the trajectory of the projectile 20, Willis does not anticipate independent claim 39 or any of its

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dependent claims under the test for anticipation set forth at MPEP §2131, and cannot be said to suggest the use of magnetic fields to alter the trajectory of an object as required by claim 39 for the purpose of a rejection under 35 USC §103.

For all of the above reasons, Applicant respectfully requests withdrawal of the rejection under 35 USC §102.

Closing

Should the Examiner have any questions with respect to any matter now of record, Applicant's representative may be reached at (219) 462-4999.

Respectfully submitted,

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Attachment: Fee Transmittal form